Dated: April 27, 1984.

Leona A. Power,

Acting Assistant Secretary for Land and Minerals Management.

PART 946—VIRGINIA

30 CFR Part 946 is revised to read as follows:

1. 30 CFR Part 946.11 is amended by removing and reserving paragraph (t).

§ 946.11 Conditions of State regulatory approval.

(t) [Reserved].

2. 30 CFR 946.15 is amended by adding paragraph (l) as follows:

§ 946.15 Approval of regulatory program amendments.

* * * * *

(l) The following amendment was approved effective [Insert publication date]. Revised Virginia regulations, Section V786.19 to add a new part (o), submitted by Virginia on February 10, 1984.

[FR Doc. 84-12338 Filed 5-7-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 825a

Gifts to the Department of the Air Force

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 825a—Gifts to the Department of the Air Force, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 11-26, has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: May 8, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Peterson, HQ USAF/JACM, Washington D.C. 20330, Telephone (202) 694-4075.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR is amended by removing Part 825a.

List of Subjects in 32 CFR Part 825a

Government property.

PART 825a—[REMOVED]

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-12319 Filed 5-7-84; 8:45 am]

BILLING CODE 3910-01-M

POSTAL SERVICE

39 CFR Part 912

Rules of Procedure on Timely Filing of Requests for Reconsideration

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule makes two amendments to postal procedures concerning the reconsideration of a final denial of a personal injury or property damage claim against the Postal Service. The first amendment clarifies that only receipt by the Postal Service, not mailing by a claimant, determines whether a request for reconsideration of a final denial is timely under the statute of limitations. The second amendment prevents claimants from keeping a claim alive for purposes of delay by filing a successive series of such requests.

EFFECTIVE DATE: June 7, 1984.

FOR FURTHER INFORMATION CONTACT: Clinton I. Newman, (202) 245-4581.

SUPPLEMENTARY INFORMATION: The Federal Tort Claims Act provides in pertinent part that a "tort claim against the United States shall be forever barred * * * unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented." 28 U.S.C. 2401(b). The term "agency" as used in the section includes the Postal Service. 39 U.S.C. § 409(c). In *Anderberg* v. *United States*, 718 F.2d 976 (C.A. 10, 1983) the court held that receipt by the agency, not mailing by the claimant, determines whether the filing of a request for reconsideration is timely under the statute of limitations. The Postal Service is accordingly amending its rules of procedure to advise claimants specifically what is required under the law.

We are also amending our rules to clarify that a claimant may file only one request for reconsideration of a final denial. This is intended to end the rather rare situation where a claimant files repeated requests for reconsideration in order to keep the claim active and prevent a final resolution.

List of Subjects in 39 CFR Part 912

Administrative practice and procedure, Tort claims.

PART 912—PROCEDURES TO ADJUDICATE CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF THE U.S. POSTAL SERVICE

Accordingly, 39 CFR is amended by adding paragraphs (c) and (d), to § 912.9 as follows:

§ 912.9 Final Denial of Claim.

* * * * *

(c) For purposes of this section, a request for reconsideration of a final denial of a claim shall be deemed to have been filed when received in the office of the official who issued the final denial or in the office of the Assistant General Counsel, Claims Division, U.S. Postal Service, Washington, D.C. 20260-1111.

(d) Only one request for reconsideration of a final denial may be filed. A claimant shall have no right to file a request for reconsideration of a final denial issued in response to a request for reconsideration.

(28 U.S.C. 2671-2680; 28 CFR 14.1-14.11; 39 U.S.C. 401, 409, 2008)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-12296 Filed 5-7-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA Action IA 1207; A-7-FRL 2583-6]

Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Section 107(d) of the Clean Air Act, as amended, provides for the designation of areas as either attainment, nonattainment, or unclassified with respect to the National Ambient Air Quality Standards (NAAQS). EPA today takes final action redesignating Ankeny, Cedar Rapids, Davenport, a portion of Des Moines, and West Des Moines from nonattainment to attainment with respect to the primary NAAQS for total suspended particulates (TSP). These redesignations are based on a request from the Iowa Department

of Environmental Quality; supportive data were included.

DATE: These designations are effective May 8, 1984.

ADDRESSES: The State submission is available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106

Iowa Department of Water, Air, and Waste Management, 900 East Grand, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (816) 374–3791, or FTS 758–3791.

SUPPLEMENTARY INFORMATION: In response to Section 107(d) of the Clean Air Act, as amended, EPA and the State of Iowa have designated all areas of the State as attaining the NAAQS, not attaining the NAAQS, or having insufficient data to make a determination. An attainment area is one in which the air quality does not exceed the standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. At 40 CFR Part 81, Subpart C, the areas of the State which are nonattainment for one or more pollutants are identified.

On March 14, 1983, the Iowa Department of Environmental Quality submitted a request to redesignate the attainment status of Ankeny, Cedar Rapids, Davenport, a portion of Des Moines and West Des Moines. The State requested only that the primary nonattainment designations be removed for the above areas. The secondary nonattainment designations would remain.

The current Section 107 redesignation policy is summarized in a memo from EPA's Office of Air Quality Planning and Standards, dated April 21, 1983.

EPA has determined that these redesignation requests comply with agency policy. The public comment period for the proposed rulemaking ended on November 14, 1983. No public comments were received.

Action: EPA takes final action to remove the primary nonattainment designations and retain the secondary nonattainment designations for the Ankeny, Cedar Rapids, Davenport, and West Des Moines TSP nonattainment areas.

In Des Moines, the state requested to subdivide the designated primary nonattainment area along U.S. Highway 65 and 69 (East 14th Street). The western portion will be redesignated to secondary nonattainment, while the eastern portion will retain its primary nonattainment designation.

Action: EPA takes final action to remove the primary nonattainment designation and retain the secondary nonattainment designation for the western portion of the Des Moines TSP nonattainment area.

The March 14 submittal also included a carbon monoxide attainment redesignation request for Des Moines, and a TSP secondary nonattainment redesignation request for Mason City. These redesignation proposals were published in the **Federal Register** on October 12, 1983 (48 FR 46393).

Subsequent to the proposal, the state discovered violations of the CO standards in Des Moines. On November 14, 1983, the state requested that EPA withdraw the proposed CO attainment redesignation action for Des Moines. Therefore, EPA will retain the nonattainment designation for CO in Des Moines. On February 28, 1984, the state requested to retain a portion of the primary TSP nonattainment area in Mason City, and to redesignate the remainder of the area to secondary nonattainment. EPA will re-propose the Mason City TSP redesignation in a future notice.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, as amended, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

This notice of final rulemaking is issued under the authority of Sections 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407 and 7601).

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

Dated: May 1, 1984.

William D. Ruckelshaus,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.316 [Amended]

1. In § 81.316, revise the table "Iowa—TSP" to read as follows:

IOWA TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Central portion of Waterloo		×[1]		
Cedar Falls Township			×	
East Waterloo Township			×	
Remainder of Black Hawk County				×
Northern portion of Mason City, including an area about one mile north of the city limits.	×	×		
Central portion of Mason City, including about one mile around the above area in the city and about 2 miles northwest of the above area.		×[1]		
Falls Township			×	
Lake Township			×	
Lincoln Township			×	
Remainder of Cerro Gordo County				×
An area around downtown Clinton		×[1]		
Comanche Township			×	
Remainder of Clinton County				×
Burlington Township			×	
Remainder of Des Moines County				×
Iowa City Township			×	
Remainder of Johnson County				×
An area in and near Keokuk			×	
Jackson Township			×	
Jefferson Township			×	
Madison Township			×	
Remainder of Lee County				×
Cedar Rapids—a portion of Linn County contained entirely within T 82 N., R 7 W.; and T 83 N., R 7 W.		×[1]		
Bertram Township			×	
Clinton Township			×	
College Township			×	
Fairfax Township			×	
Marion Township			×	
Monroe Township			×	

IOWA TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Putnam Township			×	
Remainder of Linn County				×
The central portion of Marshalltown		×[1]		
Remainder of Marshall County				×
The central and southern portions of Muscatine		×[1]		
Fruitland Township			×	
Sweetland Township			×	
Montpelier Township			×	
Remainder of Muscatine County				×
An area of central Des Moines east of U.S. Highway 65 & 69 (E. 14th Street).	×	×		
Portions of Polk County contained entirely within T 78 N. R 23 W.; T 78 N. R 24 W.; T 78 N. R 25 W.; T 80 R 24 W.; T 79 N. R 23 W.; T 79 N. R 24 W.; and T 79 R 25 W..		×[1]		
Clay Township			×	
Douglas Township			×	
Jefferson Township			×	
Remainder of Polk County				×
The western portion of Council Bluffs and Carter Lake		×[1]		
Lake Township			×	
Lewis Township			×	
Remainder of Pottawatomie County				×
Portions of Buffalo, Davenport, Bettendorf and Riverdale		×[1]		
Remainder of Scott County				×
Center Township			×	
Remainder of Wapello County				×
The central portion Ft. Dodge		×[1]		
Otho Township			×	
Remainder of Webster County				×
The central and southern portions of Sioux City		×[1]		
Liberty Township			×	
Woodbury Township			×	
Remainder of Woodbury County				×
Remainder of State				×

[1] EPA designation replaces State designation.

[FR Doc. 84-12308 Filed 5-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[SWH-FRL 2555-5]

Amendment to National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency ("EPA") is amending the National Priorities List ("NPL") which was promulgated on September 8, 1983, as Appendix B of the National Oil and Hazardous Substances Contingency Plan ("NCP"), pursuant to section 105 of the Comprehensive Environmental Response. Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. CERCLA requires that the NPL be revised at least annually, and on September 8, 1983, the first update to the NPL ("proposed NPL") was proposed concurrent with the promulgation of the final rule. Today's rule amends the NPL to include San Gabriel Areas 1, 2, 3, and 4. These four sites were included in the September 8, 1983 proposed rule.

DATES: The promulgation date for this amendment to the NCP shall be May 8, 1984. Under section 305 of CERCLA, amendments to the NCP cannot take effect until Congress has had at least 60 "calendar days of continuous session" from the date of promulgation in which to review the amended Plan. Since the actual length of this review period may be affected by Congressional action, it is not possible at this time to specify a date on which this amendment to the NPL will become effective. Therefore, EPA will publish a **Federal Register** notice at the end of the review period announcing the effective date of this NPL amendment. EPA notes, however, that the legal effect of a Congressional veto pursuant to section 305 has been placed in question by the recent decision, *Immigration and Naturalization Service* v. *Chadha*, 103 S. Ct. 2764 (1983). Nonetheless, the Agency has decided, as a matter of policy, to submit NPL amendments for Congressional review.

FOR FURTHER INFORMATION CONTACT: Stephen M. Caldwell, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548-E), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (Phone (800) 424-9346 or 382-3000 in the Washington, D.C., metropolitan area).

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background of NPL

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9657 ("CERCLA" or "the Act"), and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180). The revised NCP implemented the new responsibilities and authorities created by CERCLA to respond to releases and threatened releases of hazardous substances, pollutants, and contaminants.

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA Section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with permanent remedy for a release (CERCLA Section 101(24)). Criteria for determining priorities are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (40 CFR Part 300, Appendix A).

Section 105(8)(B) of CERCLA requires that these criteria be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States, and that to the extent practicable at least 400 sites be designated individually. EPA has included releases on the NPL where CERCLA authorizes Federal response to the release. Under section 104(a) of CERCLA, this response authority is quite broad and extends to releases or threatened releases not only of designated hazardous substances, but of any "pollutant or contaminant" which presents an imminent and substantial danger to the public health or welfare. CERCLA requires that this National Priorities List ("NPL") be included as part of the NCP. On September 8, 1983,

the Agency amended the NCP by adding the NPL as Appendix B. Additional discussion on the purpose and development of the NPL and on generic issues relating to the Hazard Ranking System (HRS) is included in the preamble to the NPL promulgated on September 8, 1983, (48 FR 40658).

Section 300.68(a) of the NCP reserves remedial actions for those releases on the NPL taken to prevent or mitigate the migration of hazardous substances into the environment. The NPL promulgated on September 8, 1983, contains 406 sites eligible for EPA remedial actions financed by the Hazardous Substance Response Trust Fund established by Section 221 of CERCLA. Inclusion of a site on the NPL is not necessary for other types of response actions such as removal actions or for enforcement actions.

CERCLA requires the NPL to be revised at least once per year. The first proposed update was published at the same time as the final rulemaking on the NPL and included 133 sites. The four San Gabriel sites that are now being added to the NPL were among the 133 sites proposed at that time.

II. Background of San Gabriel Area Sites

The four San Gabriel Area sites were included in the proposed rulemaking for the first update of the NPL (48 FR 40674, September 8, 1983). The four sites are located in Los Angeles County, California. Over 400 domestic and municipal water supply wells are located in the four areas. EPA has determined that a release of hazardous substances into the environment has occurred. Chlorinated organic hydrocarbon contamination has been detected in the ground water at all four sites. EPA and the State have identified levels of contamination that pose an actual or potential threat to public health and the environment. The Agency is evaluating the situation to determine the appropriate response action (e.g. removal or remedial response) and expects that remedial response will be appropriate given the nature, extent and concentrations of contamination at the sites.

EPA has conducted remedial planning activities consistent with § 300.68 of the NCP to determine if a remedial action is justified by the actual or potential threat posed by the hazardous substances. Based on these planning activities, EPA believes that an initial remedial measure may be appropriate and that EPA should consider proceeding immediately to limit exposure or threat of exposure to a significant public health or environmental hazard. The initial remedial measure which is under consideration would provide alternative drinking water supplies to mitigate the public health threat. In addition, EPA and the State expect to undertake additional remedial planning activities to determine if further remedial actions are needed to mitigate any continued public health or environmental effects.

III. Addition of San Gabriel Area Sites to NPL

This action being taking today will add San Gabriel Area sites 1, 2. 3, and 4 to the NPL. No public comments were received by EPA, either during or after the 60-day comment period following addition of the sites on the proposed NPL. EPA has reviewed the Hazard Ranking System (HRS) score for each site and has determined that no information has been presented during or after the comment period that would justify a change in the HRS scores. The final scores exceed 28.5, which is the minimum score required for a site to be included on the NPL.

The decision to add the San Gabriel sites to the NPL immediately rather than waiting until rulemaking on the other 129 sites included in the September 8, 1983, proposed rule, is based on the serious nature of the problem. Approximately 500,000 people are potentially affected by consumption of contaminated ground water. It may be necessary to take remedial action at the sites in the near future.

IV. Regulatory Impact

The addition of these four sites to the final rulemaking on the NPL does not meet the Executive Order 12291 definition of the term "major rule."

The purpose of the NPL is primarily to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment. The initial identification of a site in the NPL is intended primarily to guide EPA in determining which sites warrant further investigation designed to assess the nature and extent of the public health and environmental risks associated with the site and to determine what response action, if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake response actions. Moreover, listing does not require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site.

In addition, although the HRS scores used to placed sites on the NPL may be helpful to the Agency in determining priorities for cleanup and other response activities among sites on the NPL, EPA does not rely on the scores as the sole means of determining such priorities, as discussed below. Neither can the HRS itself determine the appropriate remedy for a site. The information collected to develop HRS scores to choose sites for the NPL is not sufficient in itself to determine the appropriate remedy for a particular site. After a site has been included on the NPL, EPA generally will rely on further, more detailed studies conducted at the site to determine what response, if any, is appropriate. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting those additional studies, EPA may conclude that it is not feasible to conduct response action at some sites on the NPL because of more pressing needs at other sites. Given the limited resources available in the Hazardous Substance Response Fund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied.

No accurate assessment of the cost of remedial action at these four sites has yet been developed by EPA. However, preliminary analyses indicate that EPA might expend approximately $600,000 at the sites. It is not expected that, even at its highest cost, remedial action could cause an annual effect on the economy of $100 million or more. Further, it is not expected that remedial action could cause a major increase in costs or prices, nor could it have significant adverse effects on competition, employment investment or any other criteria of Executive Order 12291. Rather, beneficial effects may be anticipated from any actions taken to supply alternative sources of clean drinking water.

V. Regulatory Flexibility Act Analysis

After reviewing the criteria for significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, EPA has concluded that promulgation of this rule will not have a significant effect on a substantial number of small entities.

In defining the purpose of the NPL (48 FR 40659, September 8, 1983), EPA has determined that listing does not require any action of any private party for the

cost of cleanup at the site. Currently, EPA and the State of California expect to fund remedial activities at the four sites. A search for potentially responsible parties is underway, but thus far, none have been identified. Should any potentially responsible parties be identified, EPA may seek to recover any costs of remedial activities conducted at these four sites. However, the portion of costs that might be borne by any identifiable potentially responsible parties cannot be estimated at this time.

Of the businesses and organizations possibly involved with the San Gabriel Area sites, the fraction constituting small business entities, as defined by the Small Business Administration would not be substantial. It is therefore unlikely that any EPA remedial activities at these four sites would significantly affect small business entities.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste Treatment and disposal, Water pollution control, Water supply.

PART 300—[AMENDED]

Appendix B—[Amended]

The National Priorities List which is Appendix B of the National Oil and Hazardous Substance Contingency Plan (40 FR 40658) is hereby amended to add the following sites:

EPA region	State	Site name	City/county	Response status No.
		Group 5		
09	CA	San Gabriel Area 1.	El Monte	D.
09	CA	San Gabriel Area 2.	Baldwin Park Area.	D.
		Group 9		
09	CA	San Gabriel Area 3.	Alhambra	D.
09	CA	San Gabriel Area 4.	La Puente	D.

# V=Voluntary or Negotiated Response.
R=Federal and State Response.
E=Federal and State Enforcement.
D=Actions to be Determined.

Dated: May 1, 1984.

William D. Ruckelshaus,

Administrator.

[FR Doc. 84-12311 Filed 5-7-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[Docket No. 20521; Docket No. 20548; BC Docket No. 78-239; MM Docket No. 83-46; RM-3653; RM-3695; RM-4045; FCC 84-115]

Multiple Ownership of AM, FM, TV, and Cable TV Stations

AGENCY: Federal Communications Commissions.

ACTION: Final rule.

SUMMARY: This action amends §§ 73.35, 73.240, 73.636, 73.3615, and 76.501 of the Commission's Rules and FCC Forms 301, 314, 315, 316, 323 and 325. This action is taken to revise and modernize the rules the Commission uses to attribute ownership interests in broadcast, cable television and newspaper entities for purposes of applying its multiple ownership rules, as well as the rules governing the reporting of such ownership information. This action will more accurately identify those persons and entities with whom the multiple ownership rules are concerned, greatly reduce the amount of ownership information the Commission will require of licensees, and greatly reduce any restrictive effects of those rules on investors.

EFFECTIVE DATE: June 6, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bruce A. Romano, Mass Media Bureau, (202) 632-9356.

List of Subjects

47 CFR Part 73

Radio and television broadcasting.

47 CFR Part 76

Cable television.

Report and Order (Proceedings Terminated)

In the matter of corporate ownership reporting and disclosure by broadcast licensees (Docket No. 20521), Amendment of §§ 73.35, 73.240 and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations (Docket No. 20548), Amendment of §§ 73.35, 73.240, 73.636 and 76.501 of the Commission's rules relating to multiple ownership of AM, FM, and television stations and CATV systems (BC Docket No. 78-239), reexamination of the Commission's rules and policies regarding the attribution of ownership interests in broadcast, cable television and newspaper entities (MM Docket No. 83-46, RM-3653, RM-3695, RM-4045).

Adopted: March 29, 1984.
Released: April 30, 1984.

By the Commission: Commissioner Rivera abstaining and issuing a statement.

I. Introduction

1. The Commission has before it comments filed by numerous parties in response to its *Notice of Proposed Rule Making* in MM Docket No. 83-46 (*"Notice 83-46"*), FCC 83-46, released February 15, 1983, 48 Fed. Reg. 10082 (March 10, 1983), and comments and pleadings filed in related docketed proceedings and rule making petitions as captioned above.[1] This *Report and Order* concludes those proceedings, comprehensively reviewing and revising the standards for attributing interests in broadcast, cable television and newspaper properties insofar as application of the Commission's various multiple ownership rules is concerned and for reporting those interests to the Commission.[2] Briefly stated, the specific changes adopted herein include:

(1) Raising the basic ownership benchmark for attribution to 5% regardless of the size of the licensee (eliminating the distinction between "closely-held" and "widely-held" licensees);

(2) Raising the attribution benchmark for "passive" investors to 10%;

(3) Introduction of a "multiplier" in determining attribution in vertical ownership chains;

(4) Clarification of the status of non-voting stock and limited partnership interests as non-attributable interests;

(5) Clarification of the attribution of interests held in various kinds of trusts and other fiduciary capacities;

(6) Provisions for the relief from attribution of officers and directors whose duties are not related to any licensee or its operations; and,

[1] A list of the parties filing comments in each of these proceedings is contained in Appendix B. A general summary of those comments, all of which have been fully considered herein, is contained in Appendix A.

[2] It is important to reiterate at the outset that this *Report and Order* is not intended to affect in any respect the Commission's current multiple ownership rules themselves and does not prejudge any action regarding those rules which the Commission may consider; it simply determines how and to whom these rules should be applied. *Notice 83-46, supra* at n. 4. Review of the Commission's "seven station" rule, which limits the number of stations a single entity may own nationwide, is the subject of another current rule making proceeding. *Notice of Proposed Rule Making* in Gen. Docket No. 83-1009, FCC 83-440, released October 20, 1983, 48 FR 49438 (October 25, 1983), corrected 48 FR 50907 (November 4, 1983). Review of the Commission's regional concentration of control restriction, which limits the proximity of any three stations owned by a single entity, is also the subject of another rule making proceeding. *Notice of Proposed Rule Making* in MM Docket No. 84-19, FCC 84-10, released January 17, 1984, 49 FR 2478 (January 20, 1984).